

FEDERAL SEED ACT: REGULATORY AND TESTING ACTIVITIES

USDA, AMS, LPS, Seed Regulatory and Testing Division

Gastonia, NC

<http://www.ams.usda.gov/lsg/seed.htm>



What is the FSA?

- The Federal Seed Act is a truth-in-labeling law that regulates agricultural and vegetable seed shipped in *interstate commerce*.
- It is directed towards seed for seeding purposes that is used in the agricultural production of food, feed, fiber, and turf.
- FSA does not regulate flower, tree, shrub, or seeds used primarily for re-vegetation purposes.

Purpose of the FSA

Promote the accurate labeling of seed thereby protecting seed customers

- Enforcement of Federal seed laws

- Create a level playing field

- | Same rules for all companies
- | Promote uniformity ...Educate and train industry professionals



The Seed Regulatory and Testing Division

Enforces interstate commerce provisions of the Federal Seed Act.

Provides the global seed community with services that promote the truthful marketing of seed.

- | Seed Service Testing (Agricultural Marketing Act 1946)
 - ú Unbiased User-fee Testing Services
 - ú Issue Federal Seed Analysis Certs and ISTA Orange Certs

Tests seed samples for purity, germination, noxious weed seeds, pathogens, and variety verifications.

- | PCR-GMO detection
- | Electrophoresis
- | Seed Health Bioassays
- | Greenhouse grow-outs

Federal Seed Act Enforcement

- Any citizen can submit an FSA labeling complaint
- Cooperative Agreements
 - AMS and State Departments of Agriculture
 - Interstate provisions
- Memorandum of Understanding
 - AMS and AOSCA
 - Certification standards and procedures

Cooperative Agreements

AMS and State Departments of Agriculture

AMS Support Role/Responsibility:

- Provide Assistance to States
 - Seed Inspectors Training
 - Authorize seed inspectors (QA)
 - Federal Seed Schools
 - Publications
 - Serve as a Resource
 - Trueness-to-Variety Field Tests
 - Quality assurance (test results, training, check test, ASL program)

Cooperative Agreements

AMS and State Departments of Agriculture

Promoting Uniformity:

- § Comparative proficiency testing for QA purposes
- § **USDA Process Verified Accredited Seed Laboratory Program.**
 - § Encourages continual improvement of Quality Systems
 - § Validation and recognition of testing competence for specific tests, measurements, and calibrations.
 - § Ensures stakeholders and potential customers of the laboratories ability to meet minimum industry standards as verified by an unbiased source
 - § Effective marketing tool for testing programs
 - § A way for regulatory agencies to lead by example



Cooperative Agreements

AMS and State Departments of Agriculture

States Responsibility:

- Obtain & Test Official Samples
 - Submit sample
- Submit Documentation
 - Sampling Documentation (Inspectors Report)
 - Test Reports
 - Labeling Information
- Obtain Information From In-state Company

Cooperative Agreements

AMS and State Departments of Agriculture

AMS Responsibility:

- Investigate interstate shipments
 - Retest state sample (state can use federal results for QA purposes)
 - In tolerance – proceed with investigation
 - Out of tolerance – address problem
 - Request & evaluate company records
 - Receiving, variety, processing/handling, lab tests, file sample, labeling, sales and shipping.
 - Kept for 3 yrs.

Cooperative Agreements

AMS and State Departments of Agriculture

AMS Responsibility: Take Action

- No action
 - No interstate shipment
 - No interstate violation
- Warning letter
 - Technical violation
 - Minor violation
 - No record of other violations
- Charge sheets sent– describe the violation
 - Serious violations
 - Company has record of prior violations

Cooperative Agreements

AMS and State Departments of Agriculture

AMS Responsibility: Take Action

- Charge sheets sent – company response (OPV)
- Penalty action – Debt Collection Act (DCA)
 - Assign \$ value per charge – Company's passed history
 - Signed monetary settlement (US Treasury)
 - Information on Settlements released in SRTD Items of Interest Publications.

Seed Shipments Subject to FSA

- Seed shipped in interstate commerce.

- Does not include:

- | seed shipped in intrastate commerce.
- | imported seed until shipped in interstate commerce.
- | seed shipped for export.



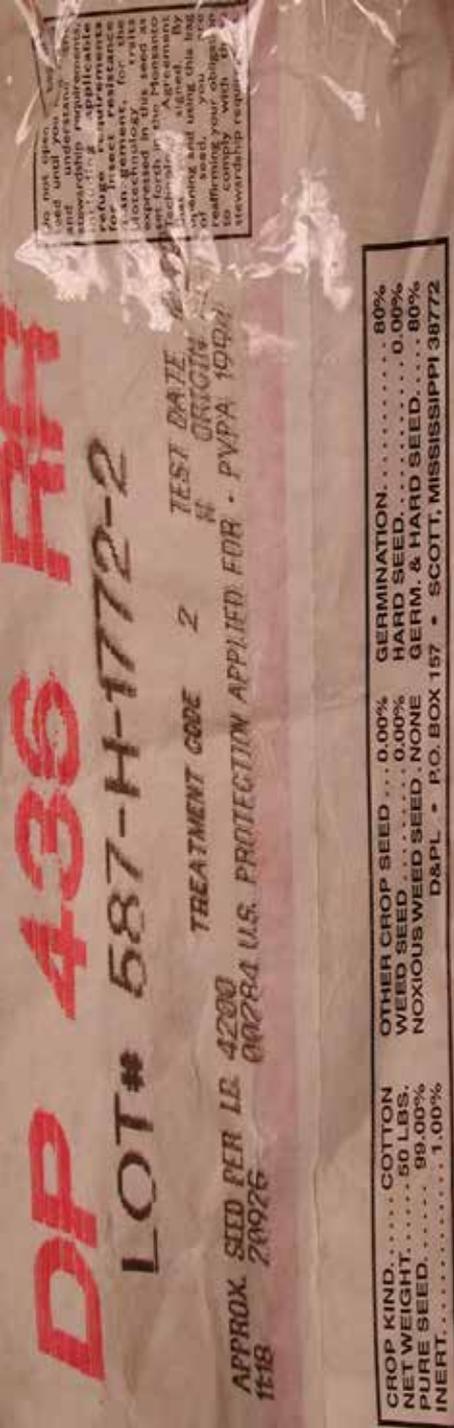
Agricultural Marketing Service
Marketing and Regulatory Programs



FSA Labeling Definitions

The term “label” means the display of written, printed, or graphic matter upon or attached to the container of seed (Sec 101.17).

The term “labeling” includes all labeling, and other written, printed, and graphic representations, in any form, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices (Sec 101.18).



Agricultural Marketing Service
Marketing and Regulatory Programs



FSA Agricultural Seed Labeling Requirements

- Kind name
- Variety name
 - or Variety Not Stated
 - Noxious weed seeds (name and rate)
- % Pure Seed
- % Other crop
- % Weed seed
- % Inert matter
- % Germ. and Test Date
 - Origin
 - Lot number
 - Interstate shippers name and address or AMS #
 - Inoculant expiration date
 - Treatment (if treated)



Agricultural Marketing Service
Marketing and Regulatory Programs



Other Labeling Information

- Section 201.8 of FSA Regs. – The label may contain information in addition to that required by the FSA, provided such information is not misleading.



Agricultural Marketing Service
Marketing and Regulatory Programs



SRTD International Activities

- **International Seed Testing Association**
 - US Delegated Authority--Standardize procedures for sampling and testing seeds in global markets.
- **OECD Seed Schemes**
 - US Voting member--Certify and label seed for varietal purity for international movement.
- **US/Canada Trade**
 - Administer the Canadian seed grader program
- **USDA Process Verified Programs**
 - Administer and audit for PVP seed programs

SRTD Web Page

<http://www.ams.usda.gov/lsg/seed.htm>

- FSA.
- FSA Regulations.
- List of Agricultural kinds regulated by the FSA.
- List of Vegetable kinds regulated by the FSA.
- Records and the FSA.
- Treated seed requirements (FSA).
- State noxious weed seed requirements.
- Facts about naming and labeling varieties.
- Variety name list and instructions for use.

Questions or Comments

